IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 698 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

TAKHATSINH PUSHPASINH SOLANKI

Versus

DISTRICT PRIMARY EDUCATION OFFICER

Appearance:

1. Special Civil Application No. 698 of 2003

MR BHARAT BELSARE with

MR JAYESH H BELSARE for Petitioner No. 1

Mr.Joshi for Respondent No. 1

Mr.Dabhi, AGP for Respondent No. 2-3

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 13/03/2003

ORAL JUDGEMENT

Heard Mr.Bharat Belsare, learned Advocate for the petitioner, Mr. Joshi, learned Advocate for the respondent no.1 and Mr.Dabhi, learned AGP for respondents nos.2 and 3.

1. The present petition is preferred by the petitioner for an appropriate writ to direct the respondent to reinstate the petitioner on lien basis in any of the schools run by the respondents as per Government Resolution dated 23-8-1973.

2. Having heard the learned Counsel appearing for the petitioner as well as for the respondents, in my view, the present case is covered by the decision of this Court dated 1-2-2003 in Special Civil Application no.5378/2001 and allied matter. In the aforesaid matter, this Court, at paragraph 9, had observed that when the resolution dated 8-12-1999 is interpreted by this Court (Coram: P.B.Majmudar,J.) in SCA no.2506/2001, it is necessary for the State Government to reconsider the matter and also also consider all the aspects including the interpretation made by this Court of the said Resolution. In the said matter, ultimately, direction was given to the petitioner to make representation and the Secretary, Education Department, was directed to consider the matter. In my view, no elaborate discussion is required, since the matter is covered by the decision in the aforesaid case, and the petitioner would be entitled to the same benefits as they were conferred upon by the petitioner in SCA no.5378/2001 and allied matter as per the decision dated 1-2-2003. In view of the aforesaid, I am of the view that the following directions shall meet the ends of justice:

(1) The petitioner shall file detailed representation pointing out his grievance and he shall also produce on record, copy of the order passed by this Court (Coram: P.B.Majmudar,J.) in SCA 2506/2001, and such representation shall be filed within a period of fifteen days from today to the Secretary, Education Department-respondent no.3 herein. (2) The Secretary Education Department of the State Government shall consider the matter afresh in light of the judgment of this Court (Coram:P.B.Majmudar,J.) and shall render decision within a period of three months from the date of receipt of the order of this Court. (3) The Secretary while passing the order shall take into consideration all the details, which may be produced by the petitioner, and also details which may be produced by the concerned school or the District Panchayat, as the case may be, and the decision shall be communicated to the petitioner by

registered A.D.post

3. The petition is allowed to the aforesaid extent. Rule is made absolute accordingly. No costs.

3.1. Office shall forward the copy of the order dated 1-2-2003 passed by this Court in SCA no.5378/2001, together with the writ of this matter.

(Jayant Patel,J.)

stanley-jp.